



Rep. Marcus C. Evans, Jr.

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09900HB3911ham001

LRB099 10514 MRW 32054 a

1 AMENDMENT TO HOUSE BILL 3911

2 AMENDMENT NO. _____. Amend House Bill 3911 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Sexually Oriented Business Advertising Act.

6 Section 5. Purpose and intent. The purpose and intent of
7 this Act is to protect public policy interests of this State,
8 including but not limited to: to mitigate the adverse secondary
9 effects of sexually oriented businesses, to improve traffic
10 safety, to limit harm to minors, and to reduce prostitution,
11 crime, juvenile delinquency, deterioration in property values,
12 and lethargy in neighborhood improvement efforts.

13 Section 10. Definitions.

14 As used in this Section:

15 "Advertises a sexually oriented business" means to make the

1 public aware of the location, business activity, or sexually
2 oriented materials of the sexually oriented business.

3 "Billboard" means a sign separate from a premises erected
4 for the purpose of advertising a product, event, person, or
5 subject not related to the premises on which the sign is
6 located.

7 "Freeway" means a divided highway of not less than 2 lanes
8 in each direction to which owners or occupants of abutting
9 property or the public do not have a right of ingress or egress
10 to, from, or across the highway, except at points determined by
11 or as otherwise provided by the authorities responsible for the
12 highway.

13 "Interstate highway" means any highway designated by the
14 Department of Transportation and approved by the United States
15 Department of Transportation as a part of the National System
16 of Interstate and Defense Highways.

17 "Main-traveled way" means the traveled way of a highway on
18 which through traffic is carried. In the case of a divided
19 highway, the traveled way of each of the separated roadways for
20 traffic in opposite directions is a main-traveled way. It does
21 not include facilities such as frontage roads, turning
22 roadways, or parking areas.

23 "Primary highway" means any highway, other than an
24 Interstate highway, designated by the Department of
25 Transportation and approved by the United States Department of
26 Transportation as a part of the Federal-Aid Primary System in

1 existence on June 1, 1991 or any highway other than an
2 Interstate highway that is not on the system that is on the
3 National Highway System.

4 "Secondary highway" means a State secondary road or county
5 primary road.

6 "Sexually oriented business" means any business which
7 offers its patrons goods of which a majority are sexually
8 oriented materials including, but not limited to: an adult
9 bookstore; adult video store; adult cabaret; adult motion
10 picture theater; sexual device store; or an establishment that
11 regularly feature live performances characterized by the
12 exposure of a specific anatomical area or by specified sexual
13 activity or in which persons appear in a state of nudity or
14 seminudity in the performance of their duties. A "sexually
15 oriented business" does not include a business solely because
16 it shows, sells, or rents materials that may depict sex.

17 "Sexually oriented materials" means any textual,
18 pictorial, or three-dimensional material that depicts nudity,
19 sexual conduct, sexual excitement, or sadomasochistic abuse in
20 a way which is patently offensive to the average person
21 applying contemporary adult community standards with respect
22 to what is suitable for minors.

23 "Specified anatomical area" means less than completely and
24 opaquely covered human genitals, pubic region, buttocks, or
25 female breasts below a point immediately above the top of the
26 areola; or human male genitals in a discernibly turgid state,

1 even if covered.

2 "Specified sexual activity" means the fondling or other
3 erotic touching of covered or uncovered human genitals, pubic
4 region, buttocks, or female breasts.

5 "Seminudity" means a state of dress in which opaque
6 clothing fails to cover genitals, anus, anal cleft or cleavage,
7 pubic area, vulva, or nipple and areola of the female breast.

8 "Visible" means capable of being seen (whether or not
9 legible) without visual aid by persons of normal visual acuity.

10 Section 15. Sexually oriented business advertising.

11 (a) Except as provided in subsection (b), any billboard
12 within this State, otherwise allowed by law or ordinance, which
13 is visible from a freeway, Interstate highway, main-traveled
14 way, primary highway, or secondary highway, that advertises a
15 sexually oriented business may only display words or numbers on
16 the billboard, including the business name, business street
17 address, business telephone number, business operating hours,
18 and in addition to words and numbers may display the registered
19 trademark of the business or logo of major credit cards
20 accepted by the business as payment. The words, numbers,
21 trademark, logo, or other information on the billboard shall
22 not describe, depict, outline, or relate to a specified sexual
23 activity or specified anatomical area.

24 (b) A billboard advertising a sexually oriented business in
25 existence on the effective date of this Act and that violates

1 subsection (a) of this Section, may continue as a nonconforming
2 use, but only until the expiration of the billboard lease or
3 one year from the effective date of this Act, whichever occurs
4 sooner.

5 Section 20. Penalty. A person who violates this Section
6 shall be subject to a civil fine of not less than \$5,000 or
7 more than \$10,000 for each day of violation.".